

# New Business Item No. 1

1. **CONSIDERATION AND POSSIBLE ACTION – FIRST READING OF ORDINANCE NO. 2000M-82** – AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 2000M, THE ZONING MAP OF THE CITY OF PEARLAND, TEXAS, FOR THE PURPOSE OF CHANGING THE CLASSIFICATION OF CERTAIN REAL PROPERTY, LOCATION BEING ALL OF THAT CERTAIN 19.995 ACRE TRACT SITUATED IN THE MINOR SUBDIVISION PLAT OF REC-TIME SUBDIVISION, BEING A PLAT OF PART OF LOT 12 AND ALL OF LOTS 13, 14, 15, AND 16 OF THE DOOLEY PARTITION, AS DEFINED IN THE DISTRICT COURT OF HARRIS COUNTY, TEXAS, CAUSE NO. 86647 AND BEING OUT OF THE JAMES HAMILTON SURVEY, ABSTRACT NO. 881, HARRIS COUNTY, TEXAS, AND RECORDED AS FILM CODE NO. 600053, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS. LOCATED AT THE APPROXIMATE SOUTHEAST CORNER OF SH288 AND S. SAM HOUSTON PKWY/BELTWAY 8, PEARLAND, TEXAS, (**ZONE CHANGE APPLICATION NO. 2011-09Z**), A REQUEST OF ED R. WEATHERALL, APPLICANT, ON BEHALF OF REC TIME, INC, OWNER, FOR APPROVAL OF A ZONE CHANGE FROM THE GENERAL COMMERCIAL (GC) ZONE AND GENERAL BUSINESS (GB) ZONE, TO GENERAL COMMERCIAL (GC) ZONE, PROVIDING FOR AN AMENDMENT OF THE ZONING DISTRICT MAP; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT.

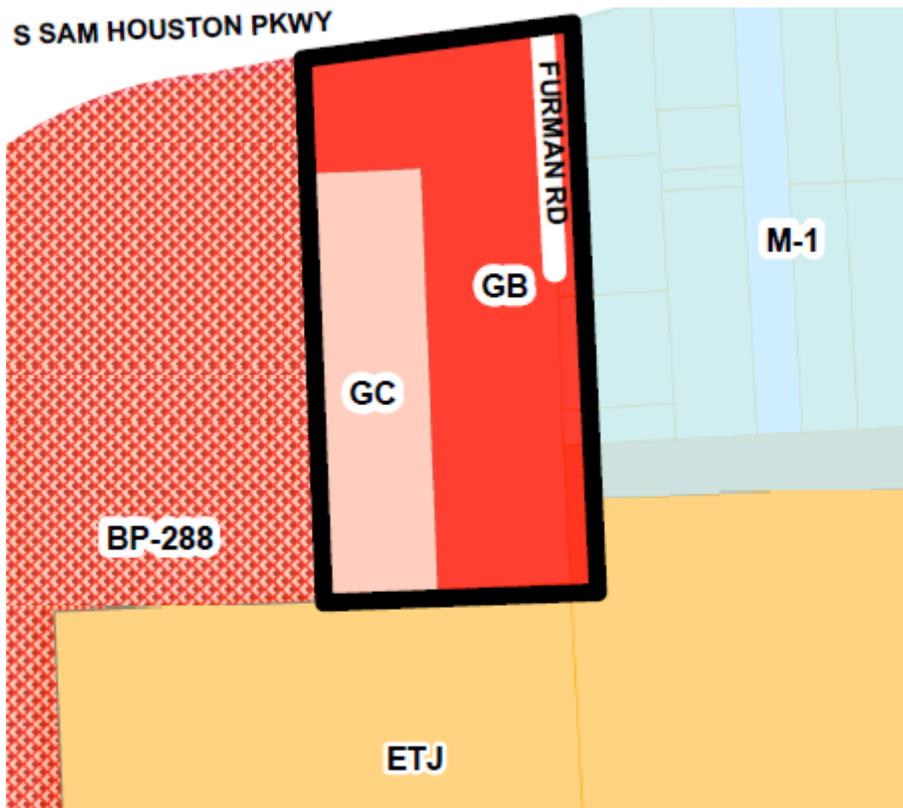
*Mr. Mike Hodge, Assistant City Manager.*

**AGENDA REQUEST  
BUSINESS OF THE CITY COUNCIL  
CITY OF PEARLAND, TEXAS**

<b>AGENDA OF:</b> October 10, 2011	<b>ITEM NO.:</b> Ordinance No. 2000M-82
<b>DATE SUBMITTED:</b> September 28, 2011	<b>DEPT. OF ORIGIN:</b> Planning
<b>PREPARED BY:</b> Harold Ellis	<b>PRESENTOR:</b> Mike Hodge
<b>REVIEWED BY :</b> Mike Hodge	<b>REVIEW DATE:</b> September 30, 2011
<b>SUBJECT:</b> A request of Ed R. Weatherall, applicant, on behalf of Rec Time, Inc, owner, for approval of a zone change from the General Commercial (GC) zone and General Business (GB) zone, to General Commercial (GC) zone for 19.995 acres, Generally located at the approximate southeast corner of SH288 and S. Sam Houston Pkwy	
<b>EXHIBITS:</b> Ordinance No. 2000M-82 and Exhibits (Exhibit A – Applicant Packet; Exhibit B - Vicinity Map; Exhibit D - P&Z Recommendation Letter), Joint Public Hearing Staff Report, Other Maps and Related Documents	
<b>EXPENDITURE REQUIRED:</b> N/A <b>AMOUNT AVAILABLE:</b> N/A <b>ACCOUNT NO.:</b> N/A	<b>AMOUNT BUDGETED:</b> N/A <b>PROJECT NO.:</b> N/A
<b>ADDITIONAL APPROPRIATION REQUIRED:</b> N/A <b>ACCOUNT NO.:</b> N/A <b>PROJECT NO.:</b> N/A	
<b>To be completed by Department:</b> <input type="checkbox"/> Finance <input type="checkbox"/> Legal <input checked="" type="checkbox"/> Ordinance <input type="checkbox"/> Resolution	

**EXECUTIVE SUMMARY**

Ed R. Weatherall, applicant, for Rec Time, Inc., owner, is requesting approval of a zone change from the General Commercial (GC) zone and General Business (GB) zone, to General Commercial (GC) zone for 19.995 acres for the above referenced location. This case is related to CUP 2011-11, which is a Conditional Use Permit to allow for a Travel Trailer/RV Park/Campground (Long and Short Term) in the General Commercial (GC) District. The site is currently zoned General Commercial (GC) and General Business (GB), as illustrated on the zoning map excerpt, below:



The reason the Zone Change and Conditional Use Permit cases are related for this site is so that a partially non-conforming site can be brought into full compliance with the City's current Unified Development Code. The reason that the RV Park is currently non-conforming is because an RV Park is not currently an allowed use in the General Business (GB) zoning district. An RV Park is permitted with the approval of a Conditional Use Permit (CUP) in the General Commercial (GC) zoning district.

Rec-Time RV would like to expand their operations into the portion of the property shown above that is General Commercial (GC), where the use is allowed with the approval of a Conditional Use Permit (CUP).

To bring the entire site into compliance, including the portion currently operating in General Business (GB) where the use is not permitted, the applicant is requesting (at staff's recommendation) the entire property be rezoned to General Commercial (GC). Therefore, the CUP is being requested for the entire property.

**STAFF RECOMMENDATION:** Staff recommends approval of the Zone Change 2011-09Z as proposed by the applicant for the following reasons:

1. The proposed zone change will bring an existing non-conforming use into compliance with the City's current Unified Development Code.
2. The proposed zone change would be in conformance with nearby commercial developments.
3. The proposed zone change will result in an expansion of an existing business within the City limits of Pearland, with no known negative impacts to surrounding properties.

**PLANNING AND ZONING COMMISSION DISCUSSION:** At the regular meeting of the Planning and Zoning Commission on September 19, 2011, there was discussion regarding platting requirements and the status of the property's plat, as well as the legal description for the property. Following this discussion, Commissioner Neil West made a motion to approve the Conditional Use Permit (CUP). The motion was seconded by Commissioner Phil Cessac. The vote was 5-0 and the motion passed. Therefore, the Planning and Zoning Commission recommended that City Council approve the Conditional Use Permit.

**STAFF RECOMMENDATION TO COUNCIL:** Consider the zone change request.

**ORDINANCE NO. 2000M-82**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS, AMENDING ORDINANCE NO. 2000M, THE ZONING MAP OF THE CITY OF PEARLAND, TEXAS, FOR THE PURPOSE OF CHANGING THE CLASSIFICATION OF CERTAIN REAL PROPERTY, LOCATION BEING ALL OF THAT CERTAIN 19.995 ACRE TRACT SITUATED IN THE MINOR SUBDIVISION PLAT OF REC-TIME SUBDIVISION, BEING A PLAT OF PART OF LOT 12 AND ALL OF LOTS 13, 14, 15, AND 16 OF THE DOOLEY PARTITION, AS DEFINED IN THE DISTRICT COURT OF HARRIS COUNTY, TEXAS, CAUSE NO. 86647 AND BEING OUT OF THE JAMES HAMILTON SURVEY, ABSTRACT NO. 881, HARRIS COUNTY, TEXAS, AND RECORDED AS FILM CODE NO. 600053, OF THE MAP RECORDS OF HARRIS COUNTY, TEXAS. LOCATED AT THE APPROXIMATE SOUTHEAST CORNER OF SH288 AND S. SAM HOUSTON PKWY/BELTWAY 8, PEARLAND, TEXAS, **(ZONE CHANGE APPLICATION NO. 2011-09Z)**, A REQUEST OF ED R. WEATHERALL, APPLICANT, ON BEHALF OF REC TIME, INC, OWNER, FOR APPROVAL OF A ZONE CHANGE FROM THE GENERAL COMMERCIAL (GC) ZONE AND GENERAL BUSINESS (GB) ZONE, TO GENERAL COMMERCIAL (GC) ZONE, PROVIDING FOR AN AMENDMENT OF THE ZONING DISTRICT MAP; CONTAINING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AN EFFECTIVE DATE AND OTHER PROVISIONS RELATED TO THE SUBJECT.

**WHEREAS**, Ed R. Weatherall, applicant, on behalf of Rec Time, Inc, owner, filed an application for amendment to Ordinance No. 2000M, the Zoning Map of the City, for approval of a change in the zoning district from General Commercial (GC) and General Business (GB) to General Commercial (GC); said property being legally described in the original applications for amendment attached hereto and made a part hereof for all purposes as Exhibit "A", and more graphically depicted in the vicinity map attached hereto and made a part hereof for all purposes as Exhibit "B"; and

**WHEREAS**, on the 19<sup>th</sup> day of September, 2011, a Joint Public Hearing was held before the Planning and Zoning Commission and the City Council of the City of Pearland, Texas, notice being given by publication in the official newspaper of the City, the affidavit of publication being attached hereto and made a part hereof for all

**ORDINANCE NO. 2000M-82**

purposes as Exhibit "C", said call and notice being in strict conformity with provisions of Section 1.2.2.2 of Ordinance No. 2000T; and

**WHEREAS**, on the 19<sup>th</sup> day of September, 2011, the Planning and Zoning Commission of the City submitted its report and recommendation to the City Council regarding the proposed zone change application of Ed R. Weatherall, applicant, on behalf of Rec Time, Inc, owner, whereby the Commission recommended approval of the change of classification for the described property from its existing classifications of General Commercial (GC) and General Business (GB) to General Commercial (GC), said recommendation attached hereto and made a part hereof for all purposes as Exhibit "D"; and

**WHEREAS**, upon receipt of the report from the Planning and Zoning Commission, City Council considered this application and the recommendation of the Planning and Zoning Commission at regular meeting(s) on the 10<sup>th</sup> day of October, 2011 and; 24<sup>th</sup> day of October 2011; and

**WHEREAS**, the City Council having fully heard the testimony and argument of all interested parties, and having been fully advised in the premises, finds that in the case of the application of Ed R. Weatherall, applicant, on behalf of Rec Time, Inc, owner, presented which, in the judgment of the City Council, would justify the approval of said application; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:**

**Section I.** The following described property located within the corporate City Limits of the City of Pearland, Texas, and presently classified as General Commercial (GC) and General Business (GB) to General Commercial (GC), in accordance with all

**ORDINANCE NO. 2000M-82**

conditions and requirements of the current Unified Development Code and incorporated for all purposes, such property being more particularly described as:

All of that certain 19.995 acre tract situated in the Minor Subdivision Plat of Rec-Time Subdivision, being a plat of part of lot 12 and all of lots 13, 14, 15, and 16 of the Dooley partition, as defined in the District Court of Harris County, Texas, Cause No. 86647 and being out of the James Hamilton Survey, Abstract No. 881, Harris County, Texas, and recorded as Film Code No. 600053, of the map records of Harris County

Generally located at the approximate Southeast Corner of SH288 and S. Sam Houston Pkwy/Beltway 8, at 2850 S. Sam Houston Pkwy

**Section II.** The City Council of the City of Pearland finds and determines that the recitations in the preamble hereof are true and that all necessary prerequisites of law have been accomplished and that no valid protest of the proposed change has been made. The City Council further finds and determines that there has been compliance with the mandates of law in the posting and presentation of this matter to the Planning and Zoning Commission and to the City Council for consideration and decision.

**Section III.** The City Council of the City of Pearland finds and determines that the amendment adopted herein promotes the health, safety, and general welfare of the public and is a proper valid exercise of the City's police powers.

**Section IV.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

**Section V.** All rights and remedies, which have accrued in the favor of the City under this Ordinance and its amendments thereto, shall be and are preserved for the

**ORDINANCE NO. 2000M-82**

benefit of the City.

**Section VI.** The City Secretary is hereby directed to cause to be prepared an amendment to the official Zoning District Map of the City, pursuant to the provisions of Section 2.3.2.2 of Ordinance No. 2000-T and consistent with the approval herein granted for the reclassification of the herein above described property.

**Section VII.** This Ordinance shall become effective after its passage and approval on second and final reading.

PASSED, APPROVED, and ADOPTED on First Reading this 10<sup>th</sup> day of October, 2011.

---

TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

**ORDINANCE NO. 2000M-82**

PASSED, APPROVED, and ADOPTED on Second and Final Reading this 24<sup>th</sup>  
day of October, 2011.

---

TOM REID  
MAYOR

ATTEST:

---

YOUNG LORFING, TRMC  
CITY SECRETARY

APPROVED AS TO FORM:

---

DARRIN M. COKER  
CITY ATTORNEY



# APPLICATION FOR A CHANGE IN ZONING

City of Pearland  
Community Development  
3523 Liberty Drive  
(Community Center)  
Pearland, Texas 77581  
281-652-1768  
281-652-1702 fax  
www.cityofpearland.com

Current Zoning District: GB/GC

Proposed Zoning District: GC

**Property Information:**

Address or General Location of Property: 2850 S. Sam Houston Pkwy E  
Houston, TX 77047

Tax Account No. 128-118-001-0001

Subdivision: REC TIME SUB-DIV. Lot: 1 Block: BLK 1

A complete application must include all information shown on the Application Checklist attached to this application.

**PROPERTY OWNER INFORMATION:**

**APPLICANT/AGENT INFORMATION:**

NAME REC TIME, INC  
ADDRESS 2850 S. Sam Houston Pkwy E  
CITY Houston STATE TX ZIP 77047  
PHONE (713) 433-6950  
FAX (713) 433-6902  
E-MAIL ADDRESS eweatherall@Comcast.net

NAME ED R WEATHERALL  
ADDRESS 2850 S. Sam Houston Pkwy E  
CITY Houston STATE TX ZIP 77047  
PHONE (281) 808-3000  
FAX (713) 433-6902  
E-MAIL ADDRESS Same

\*Property owner must be the current owner of the property at the time of submittal of the application, and not the party that has the property under contract.

As owner and applicant, I hereby request approval of the above described request as provided for by the Unified Development Code of the City of Pearland.

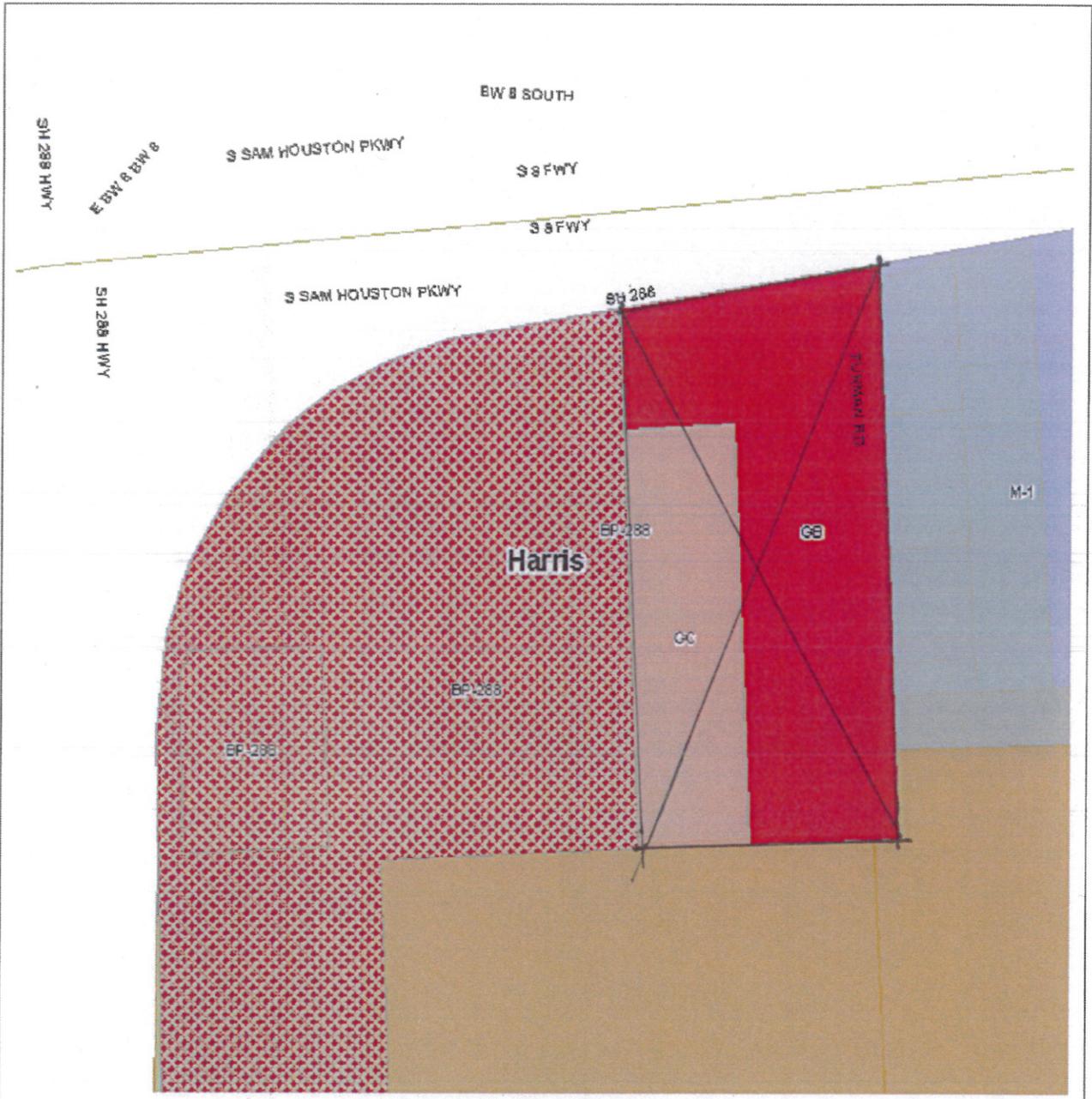
Owner's Signature: Ed R Weatherall, Pres Date: 8-25-11

Agent's/Applicant's Signature: Same Date: 8-25-11

**OFFICE USE ONLY:**

FEES PAID:	DATE PAID:	RECEIVED BY:	RECEIPT NUMBER:
Application No.			





Vicinity Map - Pearland, TX



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

Advanced RV Resort  
2850 S Sam Houston Pkwy E  
Houston, Texas 77047

Sept. 6, 2011

Mr. Harold Ellis  
Senior Planner  
City of Pearland  
3519 Liberty Drive  
Pearland, Texas 77581

Dear Mr. Ellis

As per our review of the City of Pearland Zoning of RecTime Subdivision, Lot 1 Block 1, 2850 S Sam Houston Pkwy E, Houston , Texas, 77047. I am requesting that the entire property be **Zoned General Commercial**, which would require that the part of the property **Zoned General Business** to be changed to **General Commercial**.

This incorrect Zoning was assigned by the City of Pearland in 1999 and should be changed to comply with the current UDC Codes.

I am requesting that this change be reviewed and acted on at your earliest convenience.



Sincerely,  
Ed R. Weatherall  
President  
Rec Time, Inc.

5. Schedule typically follows the above dates. However, an item can be tabled by the Council or the Commission for a specified period of time. Council typically meets on the 2<sup>nd</sup> and 4<sup>th</sup> Monday, and the Commission meets on the 1<sup>st</sup> and 3<sup>rd</sup> Monday, of every month.

**POSTING OF ZONING NOTIFICATION SIGNS  
ON PROPERTY UNDER CONSIDERATION  
FOR A ZONE CHANGE (OR CONDITIONAL USE PERMIT)**

Any person, firm or corporation requesting a zoning change, a conditional use permit (CUP), or variance, or special exception (SE) shall be required to erect and maintain a sign(s), to be inspected by the City, upon the property for which a variance, zoning change, CUP, or SE has been requested.

Such sign(s) shall be located as follows:

- (1) One (1) sign per street frontage shall be located within thirty feet (30') of the abutting street, or as determined by the City.
- (2) So as to be clearly visible and readable from the public right-of-way and not obstructed in any manner.
- (3) So as not to create a hazard to traffic on the public rights-of-way abutting the property.
- (4) On the subject property at least ten (10) days prior to the hearing of such zoning change request by the Planning and Zoning Commission, and to remain continuously on said property until final action by the City Council or withdrawal of the case by the applicant. Removal of the sign by the applicant prior to a recommendation by the Planning and Zoning Commission and/or a final decision by the City Council shall constitute a withdrawal of the request.
- (5) The signs shall be as follows:
  - A minimum sign size of 2 feet by 3 feet, but no larger than 4 feet by 4 feet
  - At least 2 feet above the ground
  - Blue or black lettering that is a minimum of 3 inches by 1/2 inch, on a white background
  - Message content as follows:

**PROPOSED (SPECIFY REQUEST)**  
Contact City of Pearland  
281-652-1768

*Ed R. Westwell*  
8-25-11

# TAX RECEIPT

2010



**DON SUMNERS, CPA, RTA**  
**HARRIS COUNTY TAX ASSESSOR-COLLECTOR**  
 1001 PRESTON AVE., SUITE 100  
 HOUSTON, TEXAS 77002

**Certified Owner:**  
 REC TIME INC  
 710 GREENBRIAR AVE  
 FRIENDSWOOD TX 77546-5308

**Legal Description:**  
 LT 1 BLK 1  
 REC-TIME

Parcel Address: 2850 S SAM HOUSTON PKY E 77047  
 Legal Acres: 19.9950 AC

Deposit No: 201102071014  
 Validation No: 840  
**Account No: 128-118-001-0001**  
 Operator Code: DMG

Remit Seq No: 56958814  
 Receipt Date: 1/31/2011  
 Deposit Date: 2/7/2011  
 Print Date: 5/16/2011

Year	Tax Unit Name	Tax Value	Tax Rate	Levy	P & I	Coll Fee Paid	Total
2010	Houston ISD	3,500,000	1.15670	\$40,484.50	\$0.00	\$0.00	\$40,484.50
2010	Harris County	3,500,000	0.38805	\$13,581.75	\$0.00	\$0.00	\$13,581.75
2010	Harris County Flood Control Dist	3,500,000	0.02923	\$1,023.05	\$0.00	\$0.00	\$1,023.05
2010	Port of Houston Authority	3,500,000	0.02054	\$716.90	\$0.00	\$0.00	\$716.90
2010	Harris County Hospital District	3,500,000	0.19216	\$6,725.60	\$0.00	\$0.00	\$6,725.60
2010	Harris County Dept. of Education	3,500,000	0.00658	\$230.34	\$0.00	\$0.00	\$230.34
2010	Houston Community College System	3,500,000	0.09222	\$3,227.70	\$0.00	\$0.00	\$3,227.70
<b>Total</b>				<b>\$65,991.84</b>	<b>0.00</b>	<b>\$0.00</b>	<b>\$65,991.84</b>

**Check Number(s):**  
 000002376

**PAYMENT TYPE:** ACCOUNT PAID IN FULL  
 Checks: \$65,991.84  
 Total Applied: \$65,991.84  
 Change Paid:  
 0.00

### APPLICATION CHECKLIST FOR THE FOLLOWING

- Zone Changes
- Planned Development Districts (PD)

- Application, filled out completely, and signed by the owner of the property to be considered for the conditional use permit.
- If the applicant is the designated agent, the application shall include a written statement from the property owner authorizing the agent to file the application on his behalf. **Section 1.2.1.1 (a) of the Unified Development Code.**
- Metes and Bounds Description, (Survey, or a Plat of the property that provides or contains the metes and bounds description).
- Parcel map, printed from the City of Pearland website, indicating the location and boundaries of the subject property.
- Letter of Intent, explaining the zone change request in detail and why the zoning is being requested to be changed, and state the uses being proposed

\*Letter of Intent is not required for a PD.

- Application fee, as determined below, by cash, check made payable to the City of Pearland, or credit card (Visa and MasterCard only)
  - **Zero (0) to less than 25 acres:**
    - \$ 250.00, plus \$25.00 per each type of zoning district requested; or
    - \$ 400.00 if requesting a Planned Development (PD)
  - **25 to less than 50 acres:**
    - \$ 300.00, plus \$25.00 per each type of zoning district requested; or
    - \$ 450.00 if requesting a Planned Development (PD)
  - **50 to less than 75 acres:**
    - \$ 350.00, plus \$25.00 per each type of zoning district requested; or
    - \$ 500.00 if requesting a Planned Development (PD)
  - **75 to less than 100 acres:**
    - \$ 400.00, plus \$25.00 per each type of zoning district requested; or
    - \$ 550.00 if requesting a Planned Development (PD)
  - **100 acres and above:**
    - \$ 450.00, plus \$25.00 per each type of zoning district requested; or
    - \$ 600.00 if requesting a Planned Development (PD)

- For PD's Only: the proposed PD document in electronic form by date of application (either emailed or on a CD) (see PD Format for guidelines on how to prepare the PD).

- Acknowledgement of the sign to be posted on the property 10 days prior to the public hearing.
- Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- Application packets that are not **complete** will not be accepted. **When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, it may be necessary to postpone the proposed CUP/Zone Change and remove it from the scheduled agenda and place it on a future agenda date according to Section 1.2.1.2. of the Unified Development Code.**

### **Additional Information:**

- Upon making an application for a zoning change or conditional use permit, the applicant shall place sign(s) as required. The City shall inspect such sign(s) to ensure compliance as required by the UDC.
- After the zoning change or conditional use permit request is approved by the City Council, denied by the City Council, or withdrawn by the applicant, the applicant shall remove the sign from the area of the request within ten (10) days of such event.
- It shall be unlawful for anyone to remove, destroy, deface or obstruct the view of a sign which gives notice that a zoning change or conditional use permit has been requested.
- In the event the applicant shall fail to erect and/or maintain signs in accordance with this section, then the public hearing before the Planning and Zoning Commission/City Council shall be postponed to a date in the future, which would allow time for compliance.
- The erection of any sign required by this section shall not require a permit under Section 4.1.2.6 of this UDC.
- The owner or applicant shall promptly notify the Planning Department of any sign required by this section, which becomes lost, stolen or vandalized. The Planning and Zoning Commission shall have the power to decide whether or not there has been substantial compliance with the posting requirements in the case of lost, stolen or vandalized signs.



S 8 FWY

S 8 FWY

S SAM HOUSTON PKWY

FURMAN RD

M-1

GB

GC

BP-288

ETJ

SH 288



### Vicinity and Zoning Map

### Zone Change 2011-09Z

### 2850 S. Sam Houston Parkway

0 75150 300 Feet





# Planning & Zoning Commission

---

## Recommendation Letter

September 28, 2011

Honorable Mayor and City Council Members  
3519 Liberty Drive  
Pearland, TX 77581

Re: Recommendation on Zone Change 2011-09Z

Honorable Mayor and City Council Members:

At their meeting on September 19, 2011, the Planning and Zoning Commission considered the following:

A request of Ed R. Weatherall, applicant, on behalf of Rec Time, Inc, owner, for approval of a zone change from the General Commercial (GC) zone and General Business (GB) zone, to General Commercial (GC) zone for 19.995 acres on the following described property:

**LEGAL DESCRIPTION:** Minor Subdivision Plat of Rec-Time Subdivision, being a plat of part of lot 12 and all of lots 13, 14, 15, and 16 of the Dooley partition, as defined in the District Court of Harris County, Texas, Cause No. 86647 and being out of the James Hamilton Survey, Abstract No. 881, Harris County, Texas, and recorded as Film Code No. 600053, of the map records of Harris County.

**GENERAL LOCATION:** 2850 S. Sam Houston Pkwy  
Approximate Southeast corner of SH288 and Beltway 8,  
known as Advanced RV Resort Houston-Pearland

There was discussion regarding platting requirements and property legal descriptions. Following this discussion, Commissioner Neil West made a motion to approve the Conditional Use Permit (CUP). The motion was seconded by Commissioner Phil Cessac. The vote was 5-0 and the motion passed.

Sincerely,

Harold Ellis, Senior Planner  
On behalf of the Planning and Zoning Commission



## JOINT PUBLIC HEARING AGENDA ITEM MEETING OF SEPTEMBER 19, 2011

---

### Zone Change No. 2011-09Z

A request of Ed R. Weatherall, applicant, on behalf of Rec Time, Inc, owner, for approval of a zone change from the General Commercial (GC) zone and General Business (GB) zone, to General Commercial (GC) zone for 19.995 acres on the following described property, to wit:

**Legal Description:** Minor Subdivision Plat of Rec-Time Subdivision, being a plat of part of lot 12 and all of lots 13, 14, 15, and 16 of the Dooley partition, as defined in the District Court of Harris County, Texas, Cause No. 86647 and being out of the James Hamilton Survey, Abstract No. 881, Harris County, Texas, and recorded as Film Code No. 600053, of the map records of Harris County

**General Location:** 2850 S. Sam Houston Pkwy  
Approximate Southeast corner of SH288 and Beltway 8,  
known as Advanced RV Resort Houston-Pearland

**APPROVAL PROCESS:** After this Joint Public Hearing, the requested zone change application will be considered as follows:

Planning and Zoning Commission: September 19, 2011\*

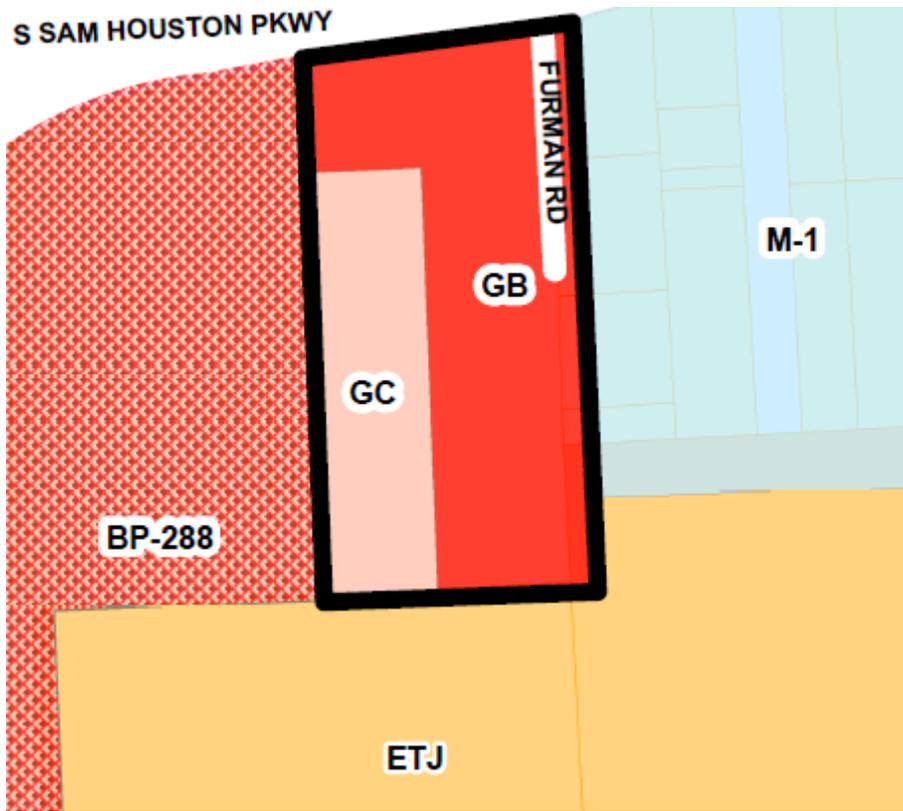
City Council for First Reading: October 10, 2011\*

City Council for Second Reading: October 24 2011\*

(\*dates subject to change)

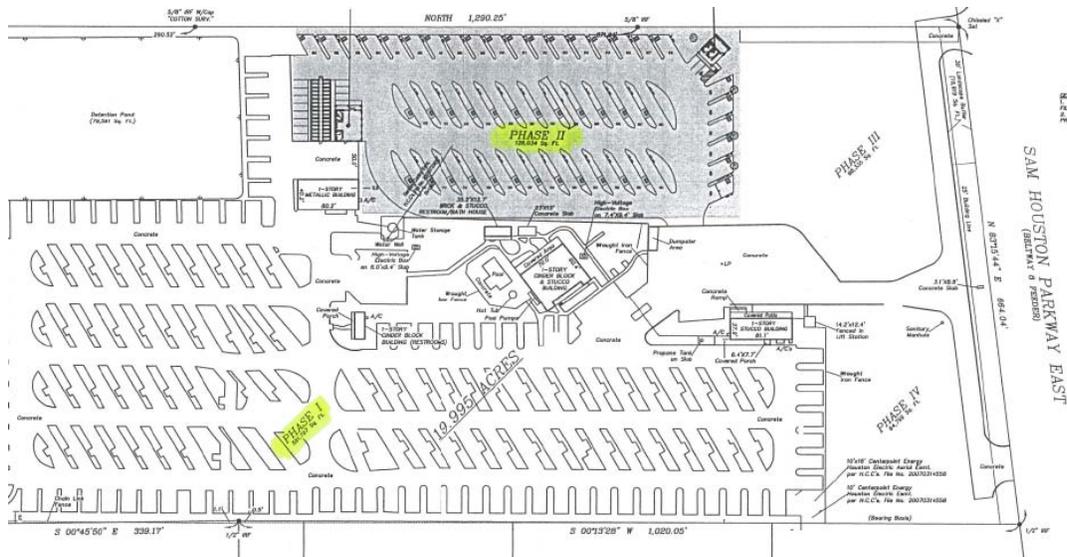
---

**SUMMARY:** Ed R. Weatherall, applicant, for Rec Time, Inc., owner, is requesting approval of a zone change from the General Commercial (GC) zone and General Business (GB) zone, to General Commercial (GC) zone for 19.995 acres for the above referenced location. This case is related to CUP 2011-11, which is a Conditional Use Permit to allow for a Travel Trailer/RV Park/Campground (Long and Short Term) in the General Commercial (GC) District. The site is currently zoned General Commercial (GC) and General Business (GB), as illustrated on the zoning map excerpt, below:



The reason the Zone Change and Conditional Use Permit cases are related for this site is so that a partially non-conforming site can be brought into full compliance with the City's current Unified Development Code. The reason that the RV Park is currently non-conforming is because an RV Park is not currently an allowed use in the General Business (GB) zoning district. An RV Park is permitted with the approval of a Conditional Use Permit (CUP) in the General Commercial (GC) zoning district.

Rec-Time RV would like to expand their operations into the portion of the property shown above that is General Commercial (GC), where the use is allowed with the approval of a Conditional Use Permit (CUP). This is also illustrated on an excerpt of the proposed site plan for the operations, shown below:



The portion of the property that the existing business would be expanded onto with Phase II as illustrated above is zoned General Commercial (GC). If the CUP is approved, the portion of the business in the (GC) zoning district would be conforming.

To bring the entire site into compliance, including the portion currently operating in General Business (GB) where the use is not permitted, the applicant is requesting (at staff's recommendation) the entire property be rezoned to General Commercial (GC). Therefore, the CUP is being requested for the entire property.

**SURROUNDING ZONING AND LAND USES:**

	<u>Zoning</u>	<u>Land Use</u>
North	N/A (Not in City)	Commercial (Across Sam Houston)
South	N/A (Not in City – ETJ)	Regional Park
East	Light Industrial (M-1)	Vacant
West	Business Park-288 (BP-288)	Vacant

**CONFORMANCE WITH THE UNIFIED DEVELOPMENT CODE (UDC):** As previously mentioned, the property is currently zoned General Business (GB) and General Commercial (GC). As the property is currently being requested to be rezoned to General Commercial (GC), a breakdown between those requirements and the site current configuration is provided below:

	<u>General Commercial</u>	<u>Existing Site</u>
Lot Size:	22,500 sq ft	870,982 sq ft
Lot Width:	150'	660'
Lot Depth:	125'	1,290'
Front Setback:	25'	~210' (site operations)
Rear Setback:	25'	15' (site operations)
Side Setback:	10'	15' (site operations)

As previously mentioned, the property is currently being used as an RV Park. The existing site does not meet the side and rear setback requirements, and is considered to be non-conforming. The expansion of the use for Phase II will be required to meet all bulk requirements of the Unified Development Code.

**PLATTING STATUS:** The property is currently platted as Minor Subdivision Plat of Rec-Time Subdivision.

**CONFORMANCE WITH THE COMPREHENSIVE PLAN:** The current Comprehensive Plan (latest update in 2009) indicates *Business Park* for the subject property. The existing use, an RV Park, is not a permitted use in the Business Park zoning district. Therefore, as the subject property is currently zoned General Business (GB), and proposed to be changed to General Commercial (GC) the proposed use and zoning are not in compliance with the current Comprehensive Plan.

**CONFORMANCE WITH THE THOROUGHFARE PLAN:** The subject property has frontage on S. Sam Houston Parkway frontage road, a major thoroughfare, with a minimum of 120' right-of-way.

**AVAILABILITY OF UTILITIES:** The subject parcel does have access to public water and sewer.

**IMPACT ON EXISTING AND FUTURE DEVELOPMENT:** As this development already exists with no known negative impacts, the proposed expansion is not anticipated to have any negative impacts on existing surrounding or future developments.

A Traffic Impact Analysis (TIA) may be required at the time of site plan review by the City's Engineering department to determine if there are any potentially negative traffic impacts anticipated as a result of the proposed expansion. If a TIA is required, and mitigation measures are deemed necessary as a result, the applicant would be responsible for implementing those measures.

**ADDITIONAL COMMENTS:** This request has been reviewed by the City's Development Review Committee and there are no additional comments from other departments at the time of this report.

**SITE PLAN CONSIDERATIONS:** A site plan is not required for a zone change. However, for informational purposes a conceptual site plan was submitted showing the existing operations and area of proposed expansion.

**PUBLIC NOTIFICATION:** Public notice/comment forms were mailed to property owners within 200 feet of the subject property under consideration. A legal notice of public hearing was published in the local newspaper, and a notification sign was placed on the subject property.

**OPPOSITION TO OR SUPPORT OF PROPOSED REQUEST:** Staff has not received any comments either in opposition to or in support of the proposed zone change request.

**STAFF RECOMMENDATION:** Staff recommends approval of the Zone Change 2011-09Z as proposed by the applicant for the following reasons:

1. The proposed zone change will bring an existing non-conforming use into compliance with the City's current Unified Development Code.
2. The proposed zone change would be in conformance with nearby commercial developments.
3. The proposed zone change will result in an expansion of an existing business within the City limits of Pearland, with no known negative impacts to surrounding properties.

**SUPPORTING DOCUMENTS:**

- Vicinity and Zoning Map
- Property Ownership Map
- Property Owner Notification List
- Future Land Use Plan
- Aerial Photograph
- Zone Change Application and Applicant Documents
- Related Documents

S 8 FWY

S 8 FWY

S SAM HOUSTON PKWY

SH 288

ETJ



**Abutter Map**

**Zone Change 2011-09Z**

**2850 S. Sam Houston  
Parkway**

0 75150 300 Feet



N



S 8 FWY

S 8 FWY

S SAM HOUSTON PKWY

Parks

Business Park

ETJ

Parks

SH 288

Mixed Use Business Park



FLUP Map

Zone Change 2011-09Z

2850 S. Sam Houston  
Parkway

0 75150 300 Feet





**Aerial Map**

**Zone Change 2011-09Z**

**2850 S. Sam Houston  
Parkway**

0 75150 300 Feet  
|-----|

